

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

K.MIZRA LLC,

Plaintiff,

v.

Docket No.: 2:23-cv-02430

BROTHER INDUSTRIES, LTD. and
BROTHER INDUSTRIES (U.S.A.), INC.,

Defendants.

**UNOPPOSED MOTION OF K.MIZRA LLC TO AMEND COMPLAINT TO ADD AND
REMOVE PARTIES, MEMORANDUM AND CERTIFICATE OF CONSULTATION**

MOTION

COMES NOW Plaintiff, K.Mizra LLC (“K.Mizra”) pursuant to Fed. R. Civ. P. 15(a) and 21 and moves this Honorable Court for leave to file its First Amended Complaint removing Brother Industries, Ltd. and Brother Industries (U.S.A.), Inc. as Defendants and replacing them with Brother International Corporation as a Defendant.

MEMORANDUM

The Complaint in this matter was filed by K.Mizra on July 17, 2023 (ECF No. 1). No Defendant has been served and no Answer or Motion to Dismiss has been filed. Therefore, pursuant to Fed. R. Civ. P 15(a), K.Mizra is permitted to amend its Complaint without leave of Court because a responsive pleading is required to the Complaint and the time to file an amendment has not expired. Consequently, it appears that the requested Motion is permitted by law without Court approval.

The above notwithstanding, Fed. R. Civ. P. 21 specifically provides for the addition or deletion of parties when it provides, “On Motion or on its own, the court may at any time, on just terms, add or drop a party.” After filing the Complaint, K.Mizra met and conferred with counsel for Defendants Brother Industries, Ltd. and Brother Industries (U.S.A.), Inc. and proposed Defendant Brother International Corporation as the proper party in this action, and the parties have reached agreement on K.Mizra’s proposed change of parties. For this reason, K.Mizra seeks leave to file the First Amended Complaint to effect the addition of Brother International Corporation as a party Defendant and to delete Brother Industries, Ltd. and Brother Industries (U.S.A.), Inc. as parties Defendants. A copy of the Proposed First Amended Complaint together with a Proposed Order Granting this motion will be sent to the ECF mailbox for the presiding Judge.

Because no service has been made, the amendment requested will not impact discovery or the timing of this matter’s progress. A Proposed Order Granting this Motion will be sent to the Court’s electronic mail address in MS Word format pursuant to L.R. 7.2(a)(1)(A).

L.R. 7.2 CERTIFICATION

No parties have been served. Therefore, no consultation pursuant to L.R. 7.2(a)(1)(B) is required. Nonetheless, as discussed above, counsel for all parties are in agreement on the relief requested herein.

Respectfully submitted,

s/ Richard M. Carter

Richard M. Carter (TN Bar No. 7285)
Abigail Abide Stephens (TN Bar No. 35920)
MARTIN, TATE, MORROW & MARSTON, P.C.
International Place, Tower II
6410 Poplar Avenue, Suite 1000
Memphis, Tennessee 38119
Telephone: (901) 522-9000
Facsimile: (901) 527-3746
rcarter@martintate.com
astephens@martintate.com

-and-

Matthew C. Holohan (*pro hac vice* to be filed)
CO State Bar No. 409
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: (303) 863-9700
Facsimile: (303) 863-0223
mholohan@sheridanross.com
litigation@sheridanross.com

Attorneys for Plaintiff K.Mizra LLC